

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: July 16, 2010

FILED

DATE: 07/16/10

11:05 O'Clock A.M.

JEANNE HICKS, CLERK

BY: HEATHER SMITH

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Pending Motions

NATURE OF PROCEEDINGS

COURT REPORTER

Roxanne Tarn

START TIME: 11:05 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant
Steven Carroll Democker, Defendant in Custody

At 11:05 a.m., Court reconvenes with all parties present. The Courtroom has now been opened to the Public and the media.

Court anticipates the trial will be continuing next Wednesday. **IT IS ORDERED** setting a Pretrial Conference on July 20, 2010 at 8:30 a.m. for 1 hour in Division 6. Trial will resume next Wednesday, July 21, 2010 at 9:30 a.m. with the Jury Panel reassembling at 9:15 a.m.

Katy Democker addresses the Court as to Defendant's release conditions.

Counsel for Defendant addresses the motion to modify release conditions. Counsel addresses the possibility of a GPS monitoring device or the use of Pretrial Services.

Counsel for State, Butner, addresses the motion to modify release conditions. Counsel for State request the bond be increased.

Counsel for Defendant responds to the reply.

Victim's advocate addresses the Court as to the victims opinion.

Court notes, the decision on release is related to the Rule 19.5 decision. Court will continue reviewing the Court records and will make a ruling. The issue as to release conditions and Rule 19.5 are taken under advisement.

Counsel for Defendant, Chapman, addresses the issue as to late disclosure.

Counsel for State responds to the issue as to late disclosure.

Counsel for Defendant, Chapman, replies.

As to rule 19.5, the Court has reviewed the record sufficiently to make the determination that the continuation of the proceedings would not be prejudicial to either Counsel for State or Counsel for Defendant. Court certifying it's preparedness, acknowledges he has not read the entire file and all the transcripts; however, believes he is familiar with the important evidentiary issues in the case and between now and the resumption of trial will devote many more hours to examining the file and the transcripts. Considering the basis in finding that there would not be prejudice to either party, the Court notes, the jury has made the commitment to be available all through October to complete the trial. Court further notes, in light of the unusual circumstances, specifically the long break in the trial, the Court will consider if appropriate, other possible measures, for example, if this can be done consistently with authority and with a fair trial, possibly re-opening very limited areas of testimony of witnesses, possibility reading very limited areas of transcript.

IT IS ORDERED Trial will resume July 21, 2010 at 9:30 a.m. in Division 6. The Jury Panel shall be present by 9:15 a.m.

If Counsel has issues to discuss, Counsel shall be present on July 21, 2010 at 8:30 a.m.

IT IS FURTHER ORDERED setting a Pretrial Conference for July 20, 2010 at 8:30 a.m.

Release conditions are confirmed at this time.

Counsel for Defendant, Sears, indicates, there are about 53 questions from the Jury Panel for Sergeant Juante in which have not been answered/addresses at this point. Counsel suggests the parties discuss the questions prior to Wednesday.

Counsel for State requests whether or not the Court is requesting a response to the motion to dismiss filed by Counsel for Defendant Counsel.

Court would like to review the Motion to Dismiss and will issue something in terms of what needs to be done with the motion.

IT IS ORDERED returning all exhibits not admitted for the purpose of today's proceedings.

The Clerk returns all exhibits to the submitting party.

END TIME: 12:13 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)
Christopher DuPont, Trautman DuPont PLC,
Counsel for Victims Charlotte and Katherine DeMocker
YCSO – Detention Records (e)
Victim Services (e)
John Napper, Counsel for Renee Girard(e)
Division 6 – Calendar – Under Advisement
Jury Commissioner
Exhibit Clerk